

CHAPTER 69-10-02 SCALES

Section	
69-10-02-01	Livestock Scales - Specifications
69-10-02-02	Livestock Scales - Installation
69-10-02-02.1	Livestock Scales - Certification
69-10-02-03	Twister Head Extensions
69-10-02-04	Steel Yard Rod
69-10-02-05	Portable Pitless Scales and Portable Hopper Scales
69-10-02-05.1	Fixed Pitless Scales
69-10-02-06	Clearances - Drainage - Pit Entrances
69-10-02-07	Foundation and Supports
69-10-02-08	Deviations from Manufacturer's Design
69-10-02-09	Deck Lengths
69-10-02-10	Indicating and Printing Elements
69-10-02-11	Limits Established by Factory-Rated Scale Capacity
69-10-02-12	Observation Windows or Video Cameras
69-10-02-13	Inspection and Testing Accessibility [Repealed]
69-10-02-14	Assisting Inspector [Repealed]
69-10-02-15	Counter Computing Scales [Repealed]
69-10-02-16	Automatic Bulk-Loading Systems - Receiving
69-10-02-17	Coal Belt Conveyor Scales Jurisdictional - Exemption
69-10-02-18	Concrete Hopper Scales - Jurisdiction
69-10-02-18.1	Exemptions From Testing
69-10-02-19	Single-Draft Weighing - Exceptions
69-10-02-20	Split-Weigh Agreements
69-10-02-21	Shift Test - Load-Bearing and Section Testing
69-10-02-22	Sensitivity Response
69-10-02-23	Stored Tare Weight
69-10-02-24	Electronic Scale Data Storage and Retrieval
69-10-02-25	Law Enforcement Scales

69-10-02-01. Livestock scales - Specifications. A commercial livestock scale must be equipped with a type registering print device, and the value of the minimum graduated interval must not be greater than five pounds [2.27 kilograms], provided, however, that for scale capacities in excess of fifty thousand pounds [22679.6 kilograms] the scale may indicate and record in ten-pound [4.54-kilogram] divisions. A scale rack on a livestock scale must be securely mounted on the scale platform, with adequate clearance between the outside of the rack and other obstructions. The steel yard or beam rod must be connected directly to the transverse lever.

History: Amended effective July 1, 1997.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-02. Livestock scales - Installation. All livestock scales must be installed so as to permit ready access for large capacity testing equipment. At

the one end of a livestock scale there must be a straight concrete approach the full width of the scale platform, in the same plane as the scale platform and equal in length to the width of the scale platform in order to provide a clean and level area for the purpose of unloading test weights used in testing the scale. Provisions must be made to allow the test truck to back up to the approach by providing an entrance of adequate height and width to enable the test truck to be reasonably level when weights are unloaded. A livestock scale newly constructed after July 1, 1993, must have a minimum entrance and approach width and height of twelve feet [3.66 meters].

A livestock ring scale constructed after January 1, 1998, must have an approach that is level with the scale platform and at least twenty-eight feet [8.53 meters] in length and ten feet [3.05 meters] in width.

History: Amended effective August 1, 1993; July 1, 1997.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-02.1. Livestock scales - Certification. All livestock scales under the jurisdiction of the federal packers and stockyards administration must be certified once every six months. The scales may be certified by either a weights and measures inspector or a registered service person.

History: Effective August 1, 1993.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-03. Twister head extensions. The twister head extensions cannot be used under any conditions in the installation of motor truck, motor truck dump, or livestock scales. Extension levers used on motor truck, livestock, or motor dump truck scales must be securely anchored to or suspended from concrete of the neck or walls of the scale pit.

History: Amended effective August 1, 1993.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-04. Steel yard rod. The steel yard rod connecting the weighbeam to the transverse lever on all scales must be installed or shielded to prevent interference.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-05. Portable pitless scales and portable hopper scales. A self-contained portable pitless scale and a self-contained portable hopper scale used solely to weigh materials used for government highway construction are exempt from the provisions of this article. Installation and operation of a

self-contained portable pitless scale and a self-contained portable hopper scale for commercial use without a variance from the commission is prohibited.

History: Amended effective April 1, 1984; August 1, 1993; September 1, 1994; February 1, 1996; July 1, 1997.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-05.1. Fixed pitless scales. A fixed pitless scale must have at least twelve inches [304.80 millimeters] of clearance between the "I" beam and the slab and the piers must extend down below the frostline and must be installed to manufacturer's specifications to support the device, prevent shifting, and provide protection from the environment.

History: Effective August 1, 1993; amended effective September 1, 1994; February 1, 1996.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-06. Clearances - Drainage - Pit entrances. Motor truck, motor truck dump, and livestock scales, other than fixed pitless scales, regardless of capacity, must have a clearance of not less than four feet [12.19 decimeters] from the finished floorline of the scale pit to the bottom of the "I" beam of the scale bridge. A five-eighths-inch [15.88-millimeter] clearance must be provided between the live deck and the pit coping. A "crushing strip" or "rock guard" must be installed in the event a concrete deck is installed on a scale; wood decks must be undercut around deck to prevent foreign material from lodging between deck and coping. Scale pits must be kept reasonably clean and dry at all times, and adequate drainage must be provided. Convenient entrances to the scale pit must be provided for the purpose of inspecting and cleaning.

History: Amended effective August 1, 1993; September 1, 1994.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-07. Foundation and supports. The foundation and supports of any scale installed in a fixed position shall consist of reinforced concrete of sufficient strength to ensure rigidity and permanence. The fulcrum stands for the levers or the load cells of large capacity scales must be installed on level piers with a minimum of grouting. All footings must be of adequate depth to extend below the frostline.

History: Amended effective August 1, 1993.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-08. Deviations from manufacturer's design. Neither the length nor the width of the load receiving element, nor the indicating element of a scale shall be increased beyond the manufacturer's design dimension unless the proposed modification has been approved by competent scale engineer, and a

variance has been granted by the commission. The weighbridge of a scale shall be constructed of steel of sufficient strength to ensure permanence, and shall include steel support members to provide adequate support for the platform.

History: Amended effective August 1, 1993; July 1, 1997.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-09. Deck lengths.

1. A motor truck or motor truck dump scale installed and operational before January 1, 1995, must have at least twelve feet [3.66 meters] or a distance equal to one-third of deck length, whichever is greater, of straight driveway on either end of the scale deck not over one-third inch [8.47 millimeters] per foot [30.48 centimeters] out of level with the platform. The first twelve feet [3.66 meters] from the scale must be of a hard surface (concrete or asphalt). An inside scale must measure a minimum of four feet [1.22 meters] of metal, wood, asphalt, or reinforced concrete between the scale deck and the inside of the doorsill at both ends of the scale.
2. A motor truck or motor truck dump scale installed on or after January 1, 1995, must have at least twelve feet [3.66 meters] or a distance equal to one-third of deck length, whichever is greater, of straight approaches beginning in a level plane with the surface of the scale deck. The slope of the approaches away from the scale deck may not exceed one-third inch [8.47 millimeters] per foot [30.48 centimeters]. The first twelve feet [3.66 meters] of approach from the scale must be of metal or concrete. An inside scale must measure a minimum of five feet [1.52 meters] of reinforced concrete between the scale deck and the inside of the doorsill at both ends of the scale. However, grating of sufficient strength to withstand all loads equal to the concentrated load capacity of the scale may be installed on either end of that inside scale.

History: Amended effective September 1, 1994; February 1, 1996.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-10. Indicating and printing elements. A beam-type or dial-type indicating element must be installed in a level and plumb position, mounted on concrete piers, or on a concrete slab, and fastened securely to the concrete walls or neck of the scale pit. These mechanical indicating element foundations must be independent of the scalehouse floor, weighing room, or other similar structures. The installation of a dial must allow for adequate clearance for service between the cabinet of the dial and the wall. Motor truck, motor truck dump, railroad track, and livestock scales installed after July 1, 1973, and used in commerce, must be equipped with a ticket printing device with a copy of the printed receipt issued to the customer at the time of the delivery. Notwithstanding the above, for a scale installed prior to July 1, 1973, equipped with any type of ticket printing capability,

its operator must use that ticket printing capability for all sales, with a copy of the printed ticket to be issued to the customer at the time of the delivery. A shoulder or stop must be provided on each weighbeam bar to prevent the poise from traveling and remaining behind the zero graduation. An indicating or printing element must be adequately protected against environmental damage.

History: Amended effective August 1, 1993; September 1, 1994; February 1, 1996; July 1, 1997.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-11. Limits established by factory-rated scale capacity. No person shall use a scale for weighing commodities, the gross weight of which is greater than the factory-rated scale capacity, as stamped by the manufacturer on each indicating or load receiving element (whichever is less), without a variance from the commission.

History: Amended effective August 1, 1993.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-12. Observation windows or video cameras. Windows must be provided and must be located in such a position and manner so that the weighman has full view of the scale platform and weighing operation from the weighman's working position, and that the weighman and indicating elements are clearly visible to interested parties. Video cameras may be substituted for windows if the substitution does not diminish the view for either the weighman or other interested parties. However, installations that exceed two hundred feet [61 meters] from the main indicating element must be equipped with two-way audio communication and remote or video display of weight indication.

History: Amended effective August 1, 1993; September 1, 1994.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-13. Inspection and testing accessibility. Repealed effective May 1, 2005.

69-10-02-14. Assisting inspector. Repealed effective August 1, 1993.

69-10-02-15. Counter computing scales. Repealed effective August 1, 2000.

69-10-02-16. Automatic bulk-loading systems - Receiving. A commercial automatic bulk-loading system used for receiving grain may not be commercially operated without first receiving a variance from the commission. Before receiving any grain through an automatic bulk-weighing system, a certified

commercial truck scale must be made available to the seller for optional check weighing.

History: Effective September 1, 1994.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-17. Coal belt conveyor scales jurisdictional - Exemption. Coal belt conveyor scales not used for coal sales to the general public, or not used for the sale of coal on behalf of leasehold interests, are exempt from the provisions of this article.

History: Effective September 1, 1994; amended effective January 1, 2002.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-03-07

69-10-02-18. Concrete hopper scales - Jurisdiction. A concrete hopper scale that is used for measuring a finished concrete product that is sold by a measurement other than weight, even though the quality of its composition (cement, sand, aggregate, and water) is determined by weight, shall be defined as a "batching scale" and is exempt from the provisions of this article.

History: Effective September 1, 1994.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-18.1. Exemptions from testing. Grain moisture testing meters, jewelers' scales, prescription scales, and postal scales used by the United States postal service are exempt from the provisions of this article.

History: Effective January 1, 2002.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-13

69-10-02-19. Single-draft weighing - Exceptions. It shall be unlawful to weigh a vehicle or a combination vehicle in any method other than the single-draft method, as outlined in the NIST Handbook No. 44, section 2.20. scales, UR.3.3., Single-draft Vehicle Weighing, except for the following:

1. When the sale of the commodity being weighed is determined by destination weight;
2. For a motor truck or motor truck dump scale installed prior to April 1, 1965; or
3. For a motor truck or motor truck dump scale installed after April 1, 1965, provided a split-weigh variance has first been granted by the

commission under section 69-10-01-04.2, and the parties involved have complied with section 69-10-02-20 prior to split-weighing.

History: Effective February 1, 1996; amended effective August 1, 2000.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-03, 64-02-04

69-10-02-20. Split-weigh agreements. Upon approval by the commission of a variance allowing split-weighing, and before an individual customer is split-weighed, an approved split-weigh agreement form must be signed by both the business and that customer, and kept on file at the place where the split-weighing occurs.

History: Effective February 1, 1996.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-03, 64-02-04

69-10-02-21. Shift test - Load-bearing and section testing. After January 1, 1996, all motor truck, motor truck dump, and railroad track/truck combination scales shall be load-bearing and section tested. The load-bearing test must be conducted with a minimum standard of the lesser value of either ten thousand pounds [4535.9 kilograms] or one-quarter the device capacity in test weights, with the test weights centered, as nearly as possible, successively over each main load support. Section testing shall be conducted with a minimum standard of either twenty thousand pounds [9071.8 kilograms] or one-half the device capacity in test weights, with the test weights centered, as nearly as possible, successively at the center of each quarter of the load receiving element. Applicable tolerances from NIST Handbook No. 44, scale section, T.N.3.1. and T.N.3.2., shall be applied to the amount of test load used.

History: Effective February 1, 1996.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-03, 64-02-04

69-10-02-22. Sensitivity response. The sensitivity response of a motor truck or motor truck dump scale designed with a division size of five pounds [2.27 kilograms] and without a balance indicator may not exceed four scale divisions.

History: Effective October 1, 1999.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02, 64-02-03, 64-02-04

69-10-02-23. Stored tare weight. A stored tare weight across a motor truck or motor truck dump scale may not be used for more than one commercial transaction.

History: Effective January 1, 2002.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02

69-10-02-24. Electronic scale data storage and retrieval. Computer programming installed after January 1, 2002, enabling the electronic recording or storage of scale weight must conform to the following:

1. If more than one scale is interfaced, the system must store the identity of the scale which originated the weight and all printed data must identify the scale which originated the weight;
2. Any weight which is manually entered must be identified manually entered on all recorded weights;
3. All recorded weights must match actual scale-weight indications;
4. All recalled weights must match stored weights;
5. Stored weight must have a recorded audit on a dedicated line printer in a continuous format which includes an "S" indicating that it is a stored weight; a sequential reference number; a scale identifier number; a unique reference number to enable the recall of that stored weight; and the stored weight;
6. Any stored weight which is recalled must be immediately printed on a scale ticket with the following information: an "R" indicating that it is a recalled weight; the unique reference number identified in subsection 5; and the recalled weight;
7. After the transaction is completed, the recalled weight must be automatically deleted from the recall weights data file;
8. Computer computations such as rounding off and truncation must be programmed so that the computations do not result in the degradation of the accuracy of the scale tolerance by more than one-half of one scale division; and
9. Programming must ensure all essential data is properly entered and stored before issuing a weight ticket.

History: Effective January 1, 2002; amended effective May 1, 2005.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02

69-10-02-25. Law enforcement scales. Axle load scales used for weight enforcement by the North Dakota highway patrol may be tested annually, but must be tested at least once every fifteen months.

History: Effective May 1, 2005.

General Authority: NDCC 64-02-03

Law Implemented: NDCC 64-02-02